

PART 203—EMERGENCY EMPLOYMENT OF ARMY AND OTHER RESOURCES, NATURAL DISASTER PROCEDURES

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SOURCE: 48 FR 56373, Dec. 21, 1983, unless otherwise noted.

Subpart A—Introduction

§ 203.11 Purpose.

This regulation prescribes administrative policies, guidance, and operating procedures for natural disaster activities of the Corps of Engineers.

§ 203.12 Authority.

Flood and coastal storm emergencies (33 U.S.C. 701n (69 Stat. 186) (Pub. L. 84-99). An emergency fund is authorized to be expended at the discretion of the Chief of Engineers for: flood emergency preparation; flood fighting and rescue operations; repair or restoration of flood control works threatened, damaged, or destroyed by flood; emergency protection of federally authorized hurricane or shore protection projects damaged or destroyed by wind, wave, or water of other than an ordinary nature. The law, as amended, includes provision of emergency supplies of clean water when a contaminated source threatens the public health and welfare of a locality and activities necessary to protect life and improved property from a threat resulting from a major flood or coastal storm. The law, as amended, authorizes the Secretary of the Army to construct wells and to transport water within areas he determines to be drought-distressed.

[54 FR 3028, Jan. 23, 1989]

§ 203.13 Non-Federal interests responsibilities.

Non-Federal interests, which include State, County and local governments, are required to make full use of their own resources before Federal assistance is furnished. The National Guard, as part of the State's resources, must be fully utilized as part of the non-Federal response when it is under State control. Non-Federal responsibilities include the following:

(a) *Disaster preparedness.* Normal maintenance of flood control projects in preparation for possible disasters is a non-Federal responsibility. Local maintenance includes procurement and stockpiling of sandbags and/or other materials or equipment which might be needed during flood situations. Preparedness includes training personnel

to operate and maintain projects during crisis situations.

(b) *Emergency operations.* During emergency operations, including flood response (flood fight and rescue operations) and post flood response, non-Federal interests must commit available resources to include: manpower, supplies, equipment, and funds. Requests for Corps assistance will be in writing from the Governor or his/her authorized representative. Non-Federal interests must furnish formal written assurances of local cooperation which are detailed in subpart G of this regulation. Following a flood response, it is a non-Federal responsibility to remove expedient flood control structures installed by the Corps under Pub. L. 84-99.

(c) *Rehabilitation.* Prior to Corps rehabilitation of non-Federal projects, non-Federal interests must furnish formal written assurances of local cooperation. (The local cooperation requirements are detailed in subpart G of this regulation.) Sponsorship by a public entity is required. Additional requirements of local participation include such items as cost-sharing and costs attributable to deficient or deferred maintenance.

(d) *Emergency water supplies and drought assistance.* Non-Federal interests must seek emergency drinking water assistance through the Governor of the affected State. The Bureau of Indian Affairs may request aid for Indian tribal lands. Corps assistance can be provided to drought-distressed areas, to construct wells and to transport water, at the request of the Governor. Requests for assistance for either program must include information concerning the criteria prescribed by subpart E of this regulation.

(e) *Advance measures.* Advance measures to protect against predicted flooding are designed to complement the maximum non-Federal capability, must be justified from an engineering and economic standpoint and be capable of completion in a timely manner. Non-Federal participation can include either financial contribution or commitment of non-Federal physical resources. The assurance of local cooperation and participation (subpart H) must be furnished to the Corps prior to

construction. Requests for assistance must be made by the Governor of the affected State. (Bureau of Indian Affairs for Indian tribal lands.)

[48 FR 56373, Dec. 21, 1983, as amended at 51 FR 25691, July 16, 1986; 53 FR 2841, Feb. 2, 1988; 54 FR 3028, Jan. 23, 1989]

Subpart B—Disaster Preparedness

§ 203.21 Inspection of non-Federal flood control works.

(a) *Required inspections.* Regular inspections will be conducted at non-Federally constructed flood control works that have received Corps assistance under Pub. L. 84-99. These are conducted to establish whether the flood control works will continue to provide the intended degree of flood protection and to determine if the maintenance program is adequate.

(b) *Local requests.* If requested by non-Federal interests, inspection of flood control works may be performed even though there has been no previous Corps assistance provided under Pub. L. 84-99.

(c) *Advice and reporting.* Information on the results of inspection will be furnished to non-Federal interests and will be maintained in Corps district offices. Non-Federal interests will be informed that a record of continued maintenance deficiencies may negatively impact on eligibility of future rehabilitation work and the degree of local cost-sharing participation in any proposed work. Follow-up inspections will be made by the Corps to monitor progress in correcting deficiencies. Liaison with local interests will include suggestions on required remedial maintenance and other measures to prepare for flood and coastal emergencies.

Subpart C—Emergency Operations

SOURCE: 54 FR 3028, Jan. 23, 1989, unless otherwise noted.

§ 203.31 Authorities.

This authority applies to flood response and post flood response activities. Flood response activities include flood fighting, rescue operations, and